

## REMARKS

Applicant replies to the final Office Action mailed on September 24, 2009 within four months. Claims 1-33 were pending in the application and the Examiner rejects claims 1-33. Applicant cancels claims 28 and 32 without prejudice to filing the same or similar claims in this or a related application. Applicant submits new independent claims 34-35. Support for the amendments and new claims may be found in the originally-filed specification, claims, and figures. No new matter is entered with these amendments and new claims. Applicant respectfully requests reconsideration of this application.

### Specification

Per the Examiners suggestion, Applicant amends the specification to indicate publication or patent numbers for the U.S. applications incorporated into the specification by reference.

### Rejections under 35 U.S.C § 101

The Examiner rejects claims 1-33 under 35 U.S.C. § 101, because the claimed invention is directed to non-statutory subject matter. Applicant respectfully disagrees with these rejections, but Applicant presents claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

Applicant amends claim 1 to recite a system with specific hardware elements, e.g. a processor, a memory and a network interface.

### Rejections under 35 U.S.C § 112 , First Paragraph

The Examiner rejects claims 1, 24 and 26 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully disagrees with these rejections, but Applicant presents claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

Applicant amends the claims to recite “outstanding user debt.”

### Rejections under 35 U.S.C § 112, Second Paragraph

The Examiner rejects claims 1-33 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees with these rejections, but Applicant presents claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

Applicant amends claim 1 to recite a system with specific physical structure, e.g. a processor, a memory and a network interface. Applicant amends the claims to correct antecedent issues.

#### Rejections under 35 U.S.C. § 103

The Examiner rejects claims 1-9, 11-12, 14-33 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen, U.S. Pub No. 2002/0123949, (“VanLeeuwen”), in view of Biltis, WO Pub. No. 2001/39077, (“Biltis”). Applicant respectfully disagrees with these rejections, but Applicant presents claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

VanLeeuwen discloses a method for “analyzing a user’s finances and providing a plan for debt reduction” (Abstract). The VanLeeuwen method includes acquiring financial data, classifying financial transactions into budget categories, adjusting budgets, listing expense reducing items to a user, receiving user input regarding which expense reducing items to accept. VanLeeuwen discloses determining a budget margin based upon the accepted expense reducing items and paying down user’s debts with the budget margin (Paras. 0008-0009).

**Significantly, VanLeeuwen fails to disclose making a payment to savings regardless of debt obligations.** Instead, VanLeeuwen is directed toward “determining a financial debt that should be paid down first to reduce aggregate financial debt” and “allow[ing] the plurality of debts to be paid off in a reduced amount of time” (Para. 0010). In fact, **VanLeeuwen’s focus on debt prioritization teaches away from prioritizing savings first.** For instance, VanLeeuwen’s discloses, “[i]n contrast to the prior art, this system uses an effective method to select the order in which debts should be paid off” (Para. 0041) and “debt reduction logic considers the original principal amount, term length of debt, and finally the interest rate on the debt. These factors are combined and preferably measured against the baseline amount of principal owing and allows

the appropriate debt to be selected and paid off first" (Para. 0043, emphasis added, internal references removed). None of the cited references cure the deficiencies of VanLeeuwen.

In the present office action, the Examiner states that the new grounds of rejection...teach/suggest/motivate subordinating debt payments to promote cash on hand despite ultimate interest and penalties" (p. 5). Applicants respectfully disagree.

As such, neither VanLeeuwen alone, nor in combination with any cited reference, disclose or contemplate at least the following recited in independent claim 1 (emphasis added), and as similarly recited in independent claims 34 and 35:

determining, by said computer-based system, **a payment hierarchy based upon said savings amount**, said plurality of penalties and at least one of said payment information, said user savings goal information and said user income information, wherein said payment hierarchy minimizes said plurality of penalties.

For at least these reasons, Applicant respectfully submits that independent claims 1, 34 and 35 are allowable over the cited references.

Dependent claims 2-27, 29-31, and 33 depend from independent claim 1, so dependent claims 2-27, 29-31, and 33 are allowable over the cited references for the reasons set forth above, in addition to their own unique features.

In view of the above remarks, Applicant respectfully submits that all pending claims properly set forth that Applicant regards as his invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,



James M. Hennessee  
Reg. No. 62,659

SNELL & WILMER L.L.P.

400 E. Van Buren  
One Arizona Center

Phoenix, Arizona 85004  
Phone: 602-382-6516  
Fax: 602-382-6070  
Email: mhennessee@swlaw.com